

REMARKS

The Rejection under 35 U.S.C. §103

The rejection of claim 1-11 and 14-19 under 35 U.S.C. §103, as being obvious over Winter (U.S. Patent No. 5,563,242), is respectfully traversed.

No basis is set forth in the Office Action, or apparent from the reference, that Winter provides any disclosure related to inorganic particles, such as pigment particles, which are coated with a polymer having UV protection agents or UV stabilisers. Claim 1 recites: “inorganic particles” .. “wherein the particles are sheathed on the surface with a polymer..”. Applicants have pointed out this distinction in every reply and the Office actions have failed to address how Winter meets or suggests this element of the claims.

The Office action states that Winter does not specifically teach the particle shape. But the issue is not particle shape. Winter does not have any “inorganic” particle component at all, regardless of shape! All of the layer components suggested for Winter’s constructs are organic materials. Applicants urge that the claims be allowed or some explanation provided as to how Winter teaches or suggests sheathed inorganic particles.

Winter discloses benzotriazole UV absorber compounds of the formula (I) and discloses the use of such compounds as a stabilizer in an organic material subject to thermal, oxidative or actinic induced degradation; see, e.g., col. 3, lines 18-30, col. 4, lines 41-45, col. 5, lines 25-30, and cols. 6-8. The organic material in which Winter provides their stabilizers is a polymer film which is part of a multilayer construct of (a) an electrocoat primer, (b) a base or color coat, (c) a clear coat and (d) the stabilizer coat containing the compound for formula (I); see, e.g., col. 4, lines 41-58.

Winter does not have any disclosure regarding an inorganic particle and there is no inorganic component in the Winter constructs. Winter provides no suggestion, whatsoever, of the use of their benzotriazole compounds for UV stabilization of inorganic particles, e.g., inorganic pigment particles. Winter does not disclose or suggest providing its layer of polymer with the benzotriazole UV absorber compound of the formula (I) on an inorganic particle. The disclosure in Winter of providing a film layer as part of a multilayer coating construct gives no hint to coat inorganic particles, such as pigment particles, with a layer of such material.

Additionally, Winter fails to disclose or suggest the use of a polymer layer of immobilisable polymer or polymer mixture. Particularly, regarding claim 11, separate basis for patentability is provided because Winter provides no teaching or suggestion of a polymer which is an LCST and/or UCST polymer or polymer mixture of LCST and/or UCST polymers.

Further, Winter fails to suggest use of its benzotriazole compounds for UV stabilization of inorganic particles. Winter is specific to the use of the UV stabilizers for stabilizing organic materials, particularly polymers, in a coating layer construct. There is no suggestion from the reference to use the benzotriazoles as a sheath for UV stabilization of inorganic particles, particularly inorganic pigment particles.

For the above reasons, it is strongly urged that Winter fails to render the claimed invention obvious and the rejection under 35 U.S.C. §103 should be withdrawn.

It is submitted that the application is in condition for allowance. But the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

No fee, other than the 1-Month Extension of Time being paid herewith, is believed to be due with this reply. However, the Commissioner is hereby authorized to charge any additional fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/John A. Sopp/
John A. Sopp, Reg. No. 33,103
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410
Attorney Docket No.: MERCK-2969

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JAS/cak